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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

UNITED STATES OF AMERICA

3:16-CR-00051-BR-4

v.

RYAN PAYNE,

Defendant.

**GOVERNMENT'S RESPONSE TO
DEFENDANT PAYNE'S MOTION TO
SUPPRESS SEIZED EMAILS (#711)**

The United States of America, by Billy J. Williams, United States Attorney for the District of Oregon, and through Ethan D. Knight, Geoffrey A. Barrow, and Craig J. Gabriel, Assistant United States Attorneys, hereby responds to Defendant Payne's Motion to Suppress Seized Emails (ECF No. 711).

I. Government's Position

Prosecutors in the District of Nevada applied for the warrant at issue in the District of Nevada. The Honorable Nancy J. Koppe signed the warrant on June 6, 2014. The warrant authorized the seizure of information from two email accounts associated with defendant Ryan

Payne. It was executed on June 6, 2014, and Google provided information in response to the warrant to agents in the District of Nevada on June 16, 2014.

The government does not intend to introduce at trial any evidence obtained from the District of Nevada's email warrant, with one exception: the government reserves the right to use evidence from the Nevada email warrant to impeach a defendant at trial, if that defendant's testimony is inconsistent with the defendant's prior statements contained in the evidence obtained from the email warrant.

At this time, the government is not aware of any evidence the government obtained as fruits of the returns of the Nevada email warrant. However, the government has informed counsel for Mr. Payne that if fruits of the Nevada email warrant are later identified or discovered, the government will confer with defense counsel to determine how best to proceed.

The government therefore respectfully recommends that the Court deny defendant's Motion with respect to the Nevada email warrant relating to Payne as moot, with leave to renew.

Dated this 29th day of June 2016.

Respectfully submitted,

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s/ Geoffrey A. Barrow
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